

AMENDMENT TO RULES COMMITTEE PRINT

118-10

OFFERED BY MR. PHILLIPS OF MINNESOTA

Add at the end of subtitle D of title VI the following:

1 **SEC. 6___ . LOVE LIVES ON.**

2 (a) REMOVAL OF EXPIRATION ON ENTITLEMENT TO
3 MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOL-
4 ARSHIP FOR SURVIVING SPOUSES.—Section 3311(f) of
5 title 38, United States Code, is amended—

6 (1) by striking paragraph (2);

7 (2) by redesignating paragraphs (3) through
8 (5) as paragraphs (2) through (4), respectively;

9 (3) in paragraph (2), as redesignated by para-
10 graph (2) of this subsection, by striking “in para-
11 graph (4)” and inserting “in paragraph (3)”; and

12 (4) in paragraph (3)(A), as redesignated by
13 paragraph (2) of this subsection, by striking “under
14 paragraph (3)” and inserting “under paragraph
15 (2)”.

16 (b) MODIFICATION OF ENTITLEMENT TO VETERANS
17 DEPENDENCY AND INDEMNITY COMPENSATION FOR SUR-
18 VIVING SPOUSES WHO REMARRY.—

1 (1) IN GENERAL.—Section 103(d) of title 38,
2 United States Code, is amended—

3 (A) in paragraph (2)(B)—

4 (i) by inserting “(i)” before “The re-
5 marriage”;

6 (ii) in clause (i), as designated by
7 clause (i), by striking “Notwithstanding
8 the previous sentence” and inserting the
9 following:

10 “(ii) Notwithstanding clause (i)”;

11 (iii) by adding at the end the fol-
12 lowing new clause:

13 “(iii) Notwithstanding clause (ii), the remarriage of
14 a surviving spouse shall not bar the furnishing of benefits
15 under section 1311 of this title to the surviving spouse
16 of a veteran.”; and

17 (B) in paragraph (5)—

18 (i) by striking subparagraph (A); and

19 (ii) by renumbering subparagraphs
20 (B) through (E) as subparagraphs (A)
21 through (D), respectively.

22 (2) RESUMPTION OF PAYMENTS TO CERTAIN
23 INDIVIDUALS PREVIOUSLY DENIED DEPENDENCY
24 AND INDEMNITY COMPENSATION.—Beginning on the
25 first day of the first month after the date of the en-

1 actment of this Act, the Secretary shall resume pay-
2 ment of dependency and indemnity compensation
3 under section 1311 of such title to each living indi-
4 vidual who—

5 (A) is the surviving spouse of a veteran;

6 and

7 (B) remarried before—

8 (i) reaching age 55; and

9 (ii) the date of the enactment of this

10 Act.

11 (c) CONTINUED ELIGIBILITY FOR SURVIVOR BEN-
12 EFIT PLAN FOR CERTAIN SURVIVING SPOUSES WHO RE-
13 MARRY.—Section 1450(b)(2) of title 10, United States
14 Code, is amended—

15 (1) by striking “An annuity” and inserting the
16 following:

17 “(A) IN GENERAL.—(A) Subject to sub-
18 paragraph (B), an annuity”; and

19 (2) by adding at the end the following new sub-
20 paragraph:

21 “(B) TREATMENT OF SURVIVORS OF MEM-
22 BERS WHO DIE ON ACTIVE DUTY.—The Sec-
23 retary may not terminate payment of an annu-
24 ity for a surviving spouse described in subpara-
25 graph (A) or (B) of section 1448(d)(1) solely

1 because that surviving spouse remarries. In the
2 case of a surviving spouse who remarried before
3 reaching age 55 and before the date of the en-
4 actment of Love Lives On Act of 2023, the Sec-
5 retary shall resume payment of the annuity to
6 that surviving spouse—

7 “(i) except as provided by clause (ii),
8 for each month that begins on or after the
9 date that is one year after such date of en-
10 actment; or

11 “(ii) on January 1, 2023, in the case
12 of a surviving spouse who elected to trans-
13 fer payment of that annuity to a surviving
14 child or children under the provisions of
15 section 1448(d)(2)(B) of title 10, United
16 States Code, as in effect on December 31,
17 2019.”.

18 (d) ACCESS TO COMMISSARY AND EXCHANGE PRIVI-
19 LEGES FOR REMARRIED SPOUSES.—

20 (1) BENEFITS.—Section 1062 of title 10,
21 United States Code, is amended—

22 (A) by striking “The Secretary of De-
23 fense” and inserting the following:

24 “(a) CERTAIN UNREARRIED FORMER SPOUSES.—
25 The Secretary of Defense”;

1 (B) by striking “commissary and exchange
2 privileges” and inserting “use commissary
3 stores and MWR retail facilities”;

4 (C) by adding at the end the following new
5 subsection:

6 “(b) CERTAIN REMARRIED SURVIVING SPOUSES.—
7 The Secretary of Defense shall prescribe such regulations
8 as may be necessary to provide that a surviving spouse
9 of a deceased member of the armed forces, regardless of
10 the marital status of the surviving spouse, is entitled to
11 use commissary stores and MWR retail facilities to the
12 same extent and on the same basis as an unremarried sur-
13 viving spouse of a member of the uniformed services.”;
14 and

15 (D) by adding at the end the following new
16 subsection:

17 “(c) MWR RETAIL FACILITIES DEFINED.—In this
18 section, the term ‘MWR retail facilities’ has the meaning
19 given that term in section 1063(e) of this title.”.

20 (2) CLERICAL AMENDMENTS.—

21 (A) SECTION HEADING.—The heading of
22 section 1062 of title 10, United States Code, is
23 amended to read as follows:

1 **“§ 1062. Certain former spouses and surviving**
2 **spouses”.**

3 (B) TABLE OF SECTIONS.—The table of
4 sections at the beginning of chapter 54 of title
5 10, United States Code, is amended by striking
6 the item relating to section 1062 and inserting
7 the following new item:

“1062. Certain former spouses and surviving spouses.”.

8 (e) EXPANSION OF DEFINITION OF DEPENDENT
9 UNDER TRICARE PROGRAM TO INCLUDE A REMARRIED
10 WIDOW OR WIDOWER WHOSE SUBSEQUENT MARRIAGE
11 HAS ENDED.—Section 1072(2) of title 10, United States
12 Code, is amended—

13 (1) in subparagraph (H), by striking “; and”
14 and inserting a semicolon;

15 (2) in subparagraph (I)(v), by striking the pe-
16 riod at the end and inserting “; and”; and

17 (3) by adding at the end the following new sub-
18 paragraph:

19 “(J) a remarried widow or widower whose
20 subsequent marriage has ended due to death,
21 divorce, or annulment.”.

22 (f) DEFINITION OF SURVIVING SPOUSE FOR PUR-
23 POSES OF VETERANS BENEFITS.—Paragraph (3) of sec-
24 tion 101 of title 38, United States Code, is amended to
25 read as follows:

1 “(3) The term ‘surviving spouse’ means (except
2 for purposes of chapter 19 of this title) a person
3 who was the spouse of a veteran at the time of the
4 veteran’s death, and who lived with the veteran con-
5 tinuously from the date of marriage to the date of
6 the veteran’s death (except where there was a sepa-
7 ration which was due to the misconduct of, or pro-
8 cured by, the veteran without the fault of the
9 spouse) and who has not remarried.”.

